

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 15, 2004**

DIVISION ONE

B168065      People                                  (Not for Publication)  
v.  
Geronimo Huerta

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Mallano, J.

DIVISION TWO

B165941      Young                                  (Not for Publication)  
v.  
Goldszer, et al.

The judgment of the trial court is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION TWO (Continued)

B165749      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Susana B.

The juvenile court's order removing Wendy from Susana's custody is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                     Nott, J.

DIVISION THREE

B165506      Decision Support Systems      (Not for Publication)  
v.  
Prima Micro, Inc., et al.

The order denying DSS's motion is vacated. The matter is remanded to the trial court with directions to reconsider DSS's motion in light of this opinion. DSS shall recover its costs on appeal.

Klein, P.J.

We concur:    Kitching, J.  
                     Aldrich, J.

B162427      Ernest P. Rodrigues, as Trustee, etc.      (Not for Publication)  
v.  
AAA-1 RV Center, Inc. and El Monte Rents, Inc.

The unlawful detainer judgment is reversed insofar as its orders AAA and El Monte to pay rent and damages in the sum of \$233,656, and is otherwise affirmed. The matter is remanded to the trial court for a new trial on the issue of damages, guided by the principles set forth in this opinion. AAA and El Monte shall recover costs on appeal.

Klein, P.J.

We concur:    Croskey, J.  
                     Kitching, J.

DIVISION THREE (Continued)

B163742      Melinda Hamm                      (Not for Publication)  
                 v.  
                 Albertson's Inc., et al.

The judgment is affirmed. Sav-on shall recover costs on appeal.

Klein, P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

B162060      Maro Burunsuzyan                      (Not for Publication)  
                 v.  
                 David Abovian, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur:    Klein, P.J.  
                 Kitching, J.

B161647      People                                      (Not for Publication)  
                 v.  
                 Pedroza

The judgment is modified by striking the Penal Code section 12022.5, subdivision (a)(1) enhancement pertaining to count two and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Croskey, J.

We concur:    Klein, P.J.  
                 Kitching, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B163962 People (Not for Publication)  
v.  
Rosales

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B163939 People (Not for Publication)  
v.  
Martinez

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

### DIVISION THREE (Continued)

B163467 People (Not for Publication)  
v.  
Castro

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Acting Presiding Justice Epstein made the following comments: “Before we begin, I wanted to say a word in recognition of our good friend and colleague, Justice Charles S. Vogel. As you may know, Justice Vogel has announced his retirement and will be leaving the court at the end of January. This is the first oral argument calendar in which he is not sitting. We will miss him very much. My colleagues and I, wanted to express on the court’s minutes our esteem for the man and appreciation for the considerable contributions that he’s made to the cause of justice.”

Each of the following:

B170588 Olga A. v. SCLA (DCFS)  
B158762 People v. Amadi  
B161299 People v. Miles

Argument waived, cause submitted.

B130513      Ash  
v.  
Ash et al.

Merits:

Argued by Hiram Ash appellant in propria persona and by Gregory P. Korn  
for respondent. Cause submitted.

DIVISION FOUR (Continued)

B160966      Zawadzki  
                  v.  
                  Boonyachlito

Merits:

Argued by Roman J. Zawadzki appellant in propria persona and by Kevin H. Louth for respondent. Cause submitted.

B159005      Egedi  
                  v.  
                  Egedi

Merits:

Argued by Martin S. Friedlander for appellant and by R. Dennis Orrock for respondent. Cause submitted.

B158817      Slaney  
                  v.  
                  Ranger Insurance Company, et al.

Merits:

Argued by Douglas J. Collodel for appellant Ranger Insurance, by David L. Scott for appellant Wasserman & Miller and by Mark F. Didak for respondent. Cause submitted.

B166245      Smith  
                  v.  
                  Sullivan, et al.

Merits:

Argued by Nikki Tolt for appellant and by Raul L. Martinez for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

DIVISION FOUR (Continued)

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

B163356      Craney v. County of Los Angeles

Argument waived, cause submitted.

B160923      People  
v.  
Patterson

Merits:

Argued by Wilson Adam Schooley for appellant and by Jeffrey B. Kahan for respondent. Cause submitted.

B161141      People  
v.  
Phillip T.

Merits:

Argued by Jerry Sies for appellant and by Russell A. Lehman for respondent. Cause submitted.

B160895      McFadden  
v.  
Battifora et al.

Merits:

Argued by Steven B. Stevens for appellant and by Peter M. Fonda for respondents. Cause submitted.

DIVISION FOUR (Continued)

B170026     Robert P.  
              v.  
              Superior Court, Los Angeles County  
              (DCFS, r.p.i.)

Merits:

Argued by William D. Caldwell for petitioner, by Kenneth E. Reynolds for real party in interest and by Nancy Murphy for minor. Cause submitted.

B159589     Fischback v. Trustees of California State University, et al.  
B165926     Fischback v. S.C.L.A. (Trustees of California State University, et al., r.p.i.)

Merits:

Argued by Dale Gronemeier for appellant/petitioner and by Alan Zuckerman for respondents/real parties in interest. Cause submitted.

B164077     Munoz  
              v.  
              Operating Engineers Trusts Fund, et al.

Merits:

Argued by Sandra C. Munoz for appellant and by Patricia Stambelos for respondents. Cause submitted.

B155147     Thomas  
              v.  
              Woodruff

Merits:

Argued by Roy G. Weatherup for appellant and by Peter Klika for respondent. Cause submitted.

Court adjourned.

DIVISION FOUR (Continued)

B164169     Stolman  
                 v.  
                 City of Los Angeles

Filed order denying petition for rehearing.

B160390     People  
                 v.  
                 Collins

Filed order vacating submission of October 20, 2003. Additional time is need to complete and file the opinion in this matter because the court requested additional briefing.. Cause resubmitted.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

Each of the following:

B161156 People v. Norten  
B163354 People v. Hillyer  
B163477 People v. Carillo  
B163650 People v. Starr  
B163794 People v. McElroy  
B163959 People v. Hughes & Bentley  
B164853 People v. Carpenter  
B165063 People v. Adams  
B165463 People v. Nunez

Argument waived, cause submitted.

DIVISION SIX (Continued)

B167399     People  
              v.  
              Reveles

Merits:  
Argued by Brian D. Lerner for appellant and by Yun K. Lee, Deputy Attorney General, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

B164552     People  
              v.  
              Dixon

Merits:  
Argued by Richard C. Gilman for appellant and by Laura H. Steuch, Deputy Attorney General, for respondent via video conference. Cause submitted.

B165929     People  
              v.  
              Hosea

Merits:  
Argued by Richard L. Schwartzberg for appellant via video conference and by Carl N. Henry, Deputy Attorney General, for respondent via video conference. Cause submitted.

B162333     People  
              v.  
              Lopez, et al.

Merits:  
Argued by Christine Vento for appellant Francisco Lopez and by James W. Bilderback, II, Deputy Attorney General, for respondent via video conference. Appellants Fernando Lopez and Francisco Galindo previously waived argument. Cause submitted.

DIVISION SIX (Continued)

B170471     People  
              v.  
              San Luis Obispo Superior Court  
              (Ortiz, r.p.i.)

Order to Show Cause:

Presented by Curtis A. Rankin, Deputy District Attorney, for petitioner and  
by Patricia Nemec Ashbaugh for real party in interest. Cause submitted.

B167191     People  
              v.  
              Ballard

Merits:

Argued by Roderick W. Leonard, Deputy District Attorney, for appellant  
and by Alex Ricciardulli, Deputy Public Defender, for respondent. Cause  
submitted.

Court adjourned at 3:30 P.M.

B170621     Ulysses A..                                 (Not for Publication)  
              v.  
              Superior Court of Santa Barbara Co.  
              (Santa Barbara Co. Dept. of Social Services)

The petition is dismissed.

Yegan, J.

We concur:    Gilbert, P.J.  
                      Coffee, J.

B167959     Russell  
              v.  
              Russell

Filed order modifying opinion. Petition for rehearing is denied. (No  
change in the judgment)

DIVISION SEVEN

B166388     Rambam  
              v.  
              Prytulak

Filed order denying petition for rehearing.

DIVISION EIGHT

B162125     People                                 (Not for Publication)  
              v.  
              Blazer

The judgment is affirmed.

Rubin, Acting P.J.

We concur:    Rubin, Acting P.J.  
                  Flier, J.

B164463     People                                 (Not for Publication)  
              v.  
              Carrocci

Reversed and remanded for proceedings consistent with this opinion.

Flier, J.

We concur:    Cooper, P.J.  
                  Rubin, J.

B165148     McClellan                                 (Not for Publication)  
              v.  
              Goebel

The judgment is reversed and remanded for further proceedings consistent with this opinion. Appellant is to recover costs on appeal.

Flier, J.

We concur:    Rubin, Acting P.J.  
                  Boland, J.